

Industry Circular



Internal Revenue Service

Alcohol, Tobacco, and Firearms Division
Washington, D.C. 20224

Industry Circular No. 71-7

April 22, 1971

PROTECTION OF NAMES OF BOURBON WHISKEY AND CERTAIN FRENCH BRANDIES

Proprietors of distilled spirits plants,
Importers, and others concerned:

This circular is issued to inform you of an agreement between the United States and France regarding the protection of the names of certain spirits products produced in such countries. The agreement provides in effect that the United States will undertake to reserve the use, in the interstate and foreign commerce of the United States, of the names "Cognac", "Armagnac", and "Calvados" to the French products entitled by virtue of existing French legislation to use those names and to prohibit and repress the use of those names for any other product, even if modified by such terms as "kind", "type", "fashion", or similar expressions, or by an indication of the true place of origin. In return the French Government will give similar protection to the names "Bourbon", and "Bourbon Whiskey", products of the United States.

For your information, the United States agreement is reproduced on the reverse side of this circular.

Inquiries regarding this Circular should refer to its number and be addressed to your Assistant Regional Commissioner, Alcohol, Tobacco and Firearms.

Rex D. Davis, Director
Alcohol, Tobacco and Firearms Division

PROTECTION OF NAMES OF BOURBON WHISKEY AND CERTAIN FRENCH BRANDIES



Agreement Between the UNITED STATES OF AMERICA and FRANCE

Effected by Exchange of Notes
Signed at Paris December 2, 1970, and
January 18, 1971

*The American Ambassador to the French Minister for
Foreign Affairs*

EMBASSY OF THE
UNITED STATES OF AMERICA

PARIS, January 18, 1971

EXCELLENCY:

I have the honor to acknowledge receipt of your Excellency's letter No. 171CM dated December 2, 1970 which is exactly quoted hereinbelow:

"The Government of the United States has requested that the French Government, taking into consideration the fact that 'Bourbon Whiskey' is a distinctive American product the characteristics of which are defined by Federal regulation, prohibit the use in France of the names 'Bourbon' and 'Bourbon Whiskey' for the designation of any whiskey or mixture of whiskeys produced in France, and that it prohibit the sale in France or the export from France of any whiskey labeled or described in such a manner, unless produced in the United States in conformity with American legislation regulating the manufacture of the spirit.

"In support of its request, the United States Government has noted that certain appellations of origin for French brandies, in particular the names 'Cognac' and 'Armagnac', are, in fact, protected in the United States. However, the United States Government has thus far undertaken no obligation to France to continue the protection of these appellations in the territory of

the United States. Under these circumstances, the Government of the French Republic proposes that the Government of the United States undertake to reserve the use, in the interstate and foreign commerce of the United States, of the names 'Cognac', 'Armagnac', and 'Calvados' to the French products entitled by virtue of existing French legislation to use those names and to prohibit and repress the use of those names for any other product, even if modified by such terms as 'kind', 'type', 'fashion', or similar expressions, or by an indication of the true place of origin.

"In return, the French Government will reserve the use in French territory of the names 'Bourbon' and 'Bourbon Whiskey' exclusively to whiskey produced in the territory of the United States in conformity with American legislation governing such whiskey and will prohibit and repress the use of those names in the labeling or description of any other whiskey or mixture of whiskeys, even if modified by such terms as 'kind', 'type', 'fashion', or similar expressions.

"The obligation of each Government will extend to products intended for export beyond its territory as well as for consumption therein.

"The Government of the French Republic, which, as is well known, attaches the greatest importance to the protection of its appellations of origin, expresses the hope that the positive attitude which it adopts with regard to the protection of the names 'Bourbon' and 'Bourbon Whiskey' will encourage the Government of the United States to consider favorably, in the future, insofar as possible, the protection of other French appellations of origin.

"If the proposals listed above are acceptable to the Government of the United States, I suggest that this letter, and the letter in reply of Your Excellency, constitute an agreement between the two Governments which will enter into force at the expiration of sixty days from the date of that reply, and will remain in force indefinitely, either Party having the right to terminate it by addressing to the other a written notice to that effect at least thirty days in advance."

On behalf of the Government of the United States, I accept the contents of this letter which constitute an agreement on this subject between the two governments.

I avail myself of this opportunity to renew the assurance of my highest consideration.

ARTHUR K. WATSON
Arthur K. Watson

His Excellency
MAURICE SCHUMANN,
Minister for Foreign Affairs,
Paris.